APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,086	02/26/2004	Hidenobu Ito	1341.1192	3499

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EXAMINER
YAARY, MICHAEL D

ART UNIT	PAPER NUMBER
2193	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/786,086	ITO ET AL.
Office Action Summary	Examiner	Art Unit	
	MICHAEL YAARY	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 May 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4 and 6-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4 and 6-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/20/2009</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-4 and 6-12 are pending in the application.

Response to Arguments

2.   Applicant's arguments filed **05/26/2009** have been fully considered but they are
not persuasive.

        Applicant argues that Lewallen fails to disclose "...extracting a comment from the
computer program specifications that is created on the basis of the computer program
source code, the comment is added by a user to a predetermined position after the
computer program specifications are created."

        Examiner respectfully disagrees. First, applicant states in the remarks (page 8,
paragraph 2) that the office action relies on Lewallen for the limitation of creating
computer program specifications. However, as clearly seen from the rejection it is the
reference Ohkubo that teaches this limitation in column 1, lines 60-61 (generating the
specification...). Furthermore, the test for obviousness is not whether the features of a
secondary reference may be bodily incorporated into the structure of the primary
reference; nor is it that the claimed invention must be expressly suggested in any one or
all of the references. Rather, the test is what the combined teachings of the references
would have suggested to those of ordinary skill in the art. See *In re Keller,* 642 F.2d

413, 208 USPQ 871 (CCPA 1981). Thus, when taking the teachings of Ohkubo in

combination with the teachings of Lewallen it is clear that the comment is added after

the computer program specifications are created. Applicant also fails to provide any

rationale explaining how it is believed that the references fail to teach the claimed

limitations; as the remarks simply repeat the cited sections from the references and are

then followed by a statement stating that the references do not teach the claimed

limitation of claims 1, 11, and 12.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-4 and 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ohkubo et al. (hereafter Ohkubo)(US Pat. 6,212,677) in view of Lewallen (US Pat.

6,385,769).

5.   Ohkubo and Lewallen were cited in the previous office action dated 11/26/2008.

6.   **As to claims 1, 11, and 12,** Ohkubo discloses a computer program product

including computer executable instructions stored on a computer readable medium,

wherein the instructions, when executed by the computer, cause the computer to perform:

creating structure information that indicates a relation between a program call structure and data input-output information of the computer program source code by analyzing a computer program source code *(column 1, lines 54-59);*

Creating process-outline information of the computer program source code from a part of the structure information *(column 1, lines 59-60);*

Creating computer program specifications of the computer program source code by using the process-outline information *(column 1, lines 60-61)*.

7.   Ohkubo does not disclose extracting a comment from the computer program specifications that is created on the basis of the computer program source code, the comment is added by a user to a predetermined position after the computer program specifications created; and adding the comment extracted to a predetermined position in computer program specifications to be created.

However, Lewallen discloses extracting a comment from the computer program specifications that is created on the basis of the computer program source code, the comment is added by a user to a predetermined position after the computer program specifications created; and adding the comment extracted to a predetermined position

in computer program specifications to be created (column 9, lines 12-23 and column 11,

lines 4-8).

8.   Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to modify the teachings of Ohkubo by utilizing the comment

extracting, as taught in the software programming system of Lewallen, for the benefit of

allowing for more flexibility in the construction and customizing of new beans created

(Lewallen column 9, lines 43-48).

9.   **As to claim 2,** the combination of Ohkubo and Lewallen disclose the creating of

the process-outline information includes extracting information of a subroutine of a

specific nesting level and data input-output information of the subroutine (Ohkubo,

figure 4), and the creating of the computer program specifications includes using the

information of the subroutine and the data input-output information of the subroutine

(Ohkubo, *figure 7, control flow and heading of destination*).

10.   **As to claim 3,** the combination of Ohkubo and Lewallen disclose the computer

program product according to claim 2, wherein the computer program specifications

created include a call structure diagram in a tabular form that has a plurality of columns

assigned to respective nesting

levels of subroutines, wherein a name of each subroutine is shown in a column

corresponding to a nesting level of the each subroutine (Ohkubo, figure 5; figure 1 7 and

21).

11.   **As to claim 4,** the combination of Ohkubo and Lewallen disclose the computer

program product according to claim 1, wherein the creating of the structure information

includes creating structure information that indicates a relation between a program call

structure and a program call condition (Ohkubo figure 7),

        The creating of the process-outline information includes creating process-outline

information that indicates a relation between a program

call structure and a program call condition (Ohkubo figure 7), and

        The creating of the computer program specifications includes creating computer

program specifications that indicate a relation between a program call structure and a

program call condition (Ohkubo, figure 7).

12.   **As to claim 6,** the combination of Ohkubo and Lewallen disclose the computer

program product according to claim 1, wherein the instructions further cause the

computer to perform:

        creating program-outline information of the computer program source code by

summarizing statements included in the computer program source code (Ohkubo,

figures 17 and 21);

creating a program-outline statement in a natural language from the program-outline information (Ohkubo, column 1, line 61); and

creating a program-outline document of the computer program source code by using the program-outline sentence (Ohkubo, column 1 line 61).

13.   **As to claim 7,** the combination of Ohkubo and Lewallen disclose the computer program product according to claim 6, wherein the creating of the program-outline information includes

Determining a significance level of data included in the computer program source code *(Ohkubo, column 7, lines 54-67, "sec-error");*

determining a significance level of a statement included in the computer program source code by using the significance level of data *(Ohkubo, column 7, lines 54-67, "sec-error", significant enough to be error);* and

Summarizing statements included in the computer program source code by using the significance level of the statement *(Ohkubo, column 7, lines 54-67, "sec-error").*

14.   **As to claim 8,** the combination of Ohkubo and Lewallen disclose the computer program product according to claim 1, wherein the instructions further cause the computer to perform:

Extracting input-output information of a job step included in a batch job

from a batch-job script described in a batch-job script language (Ohkubo column 1, lines

51-61; figure 2);

Acquiring input information and output information of the overall batch

job based on the input-output information of the job step (Ohkubo, figure 2, S1);

Specifying a job step at which the information acquired is input or output

(Ohkubo, figure 2, S2);

Extracting information of a computer program called at the job step specified

(Ohkubo, figure 2, S3-S7); and

Creating batch-job process-outline information of the batch job by using the input

information specified, the output information specified, and the information of the

computer program extracted (Ohkubo, figure 2, S8-S11).

15.   **As to claim 9,** the combination of Ohkubo and Lewallen disclose the computer

program product according to claim 1, wherein the instructions further cause the

computer to perform:

Creating screen transition information by analyzing screen definitions which

define information of a screen (Ohkubo, figure 2, "display;" figure 39); and

Creating a screen transition diagram by using the screen transition information

(Ohkubo, figure 2, "display" figure 39).

16.   **As to claim 10,** the combination of Ohkubo and Lewallen disclose the computer

program product according to claim 9, wherein the screen definitions include information

of transition between the screen and a computer program expressed in the computer

program

source code, the screen transition information includes information of

transition between the screen and the computer program (Ohkubo, figure 39), the

instructions further cause the computer to perform:

Creating merge diagram information in which the transition and input-

output of the computer program are merged, by merging the screen transition

information with the structure information (Ohkubo, figure 39), wherein

The creating of the screen transition diagram includes creating a diagram in

which the transition and the input-output of the computer program are merged, by using

the merge diagram information (Ohkubo figure 39).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MICHAEL YAARY whose telephone number is

(571)270-1249. The examiner can normally be reached on Mon-Fri 9 a.m.-5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. Y./
Examiner, Art Unit 2193

/Lewis A. Bullock, Jr./
Supervisory Patent Examiner, Art Unit 2193